

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06cv27**

ERROL ALEXIS GREEN,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
THE CITY OF ASHEVILLE, NORTH CAROLINA, <i>et al.</i>,)	
)	
Defendants.)	
)	

THIS MATTER is before the court on defendants' Motion to Supplement Record (#48). On December 22, 2006, defendants filed their Motion for Summary Judgment (#46) and supporting Memorandum of Law (#47), as well as a number of supporting exhibits (## 49 & 50). While defendants submitted excerpts from the deposition of David Miller (#49, at 8), it appears that a videotape of Mr. Miller's deposition was unavailable to defendants' counsel at the time the motion was filed and was in the possession of counsel for plaintiff. Defendants contend that such videotape contains a demonstration by Mr. Miller that would be helpful for the court to view in considering whether summary judgment should be allowed.

For good cause shown, Fed.R.Civ.P. 6(b),¹ defendants will be allowed up to and inclusive of January 12, 2007, to file with the court a videotape or DVD (preferred) of Mr. Miller's deposition.

¹ Rule 56(f) provides relief only for a party opposing summary judgment.

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion to Supplement Record (#48) is **GRANTED**, and defendants are allowed up to and inclusive of January 12, 2007, to file with the court the videotape or DVD of Mr. Miller's deposition.

Signed: January 3, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

